			USDC SDNY
UNITED STATES DISTRICT COURT			DOCUMENT
SOUTHERN DISTRICT OF NEW YORK			ELECTRONICALLY FILED
	X		DOC #:
YERMIA SOLOMON,	:		DATE FILED: 8/13/2021
Petitioner,	:		Personal returning values or complementary members are necessary and complementary of the com
V.	:		
	:		
VILLAGE OF MONTICELLO POLICE	:	<u>ORDER</u>	
DEPARTMENT; VILLAGE OF	:		
MONTICELLO BOARD OF TRUSTEES;	:	21 CV 6666	(VB)
VILLAGE OF MONTICELLO; and GEORGE	:		
NIKOLADOS, individually and as Mayor and	:		
Village Manager,	:		
Respondents.	:		

Petitioner commenced this proceeding in New York State Supreme Court, Sullivan County, on July 20, 2021, seeking relief pursuant to Article 78 of the New York Civil Practice Law and Rules. Petitioner asserts a cause of action for "arbitrary, capricious conduct, and/or an abuse of discretion" in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, the New York State Constitution, and the New York State Civil Service Law. Petitioner also asserts causes of action for violations of other provisions of the New York State Constitution, the New York State Labor Law, and the New York State Public Officers Law.

Respondents removed the action to this Court, asserting the Court has original jurisdiction under 28 U.S.C. § 1331 because petitioner seeks relief for violations of the United States Constitution.

By letter dated August 11, 2021, petitioner requested that the action be remanded to state court. (Doc. #4). By Order dated August 12, 2021, the Court directed petitioner to inform the Court, in writing, whether he formally withdraws and abandons any and all claims against respondents arising under the U.S. Constitution. (Doc. #5).

On August 13, 2021, petitioner filed a letter stating: "Petitioner withdraws the portions of all allegations in his Verified Petition alleging violations of the United States Constitution, with all other claims and allegations remaining extant." (Doc. #6).

Thus, no claims over which the Court has original jurisdiction remain in this action. And the Court declines to exercise supplemental jurisdiction over petitioner's remaining state law claims. See, e.g., Chapman v. Crane Co., 694 F. App'x 825, 829 (2d Cir. 2017) (summary order); see also 28 U.S.C. § 1447(c) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.").

Accordingly, it is hereby ORDERED that this action is REMANDED to Supreme Court, Sullivan County. The Court declines to order the payment of costs, expenses, or attorney's fees incurred as a result of the removal.

The Clerk is instructed to remand this case to Supreme Court, Sullivan County, and close this case.

Dated: August 13, 2021

White Plains, NY

SO ORDERED:

Vincent L. Briccetti

United States District Judge